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FISCAL IMPACT STATEMENT

LS 6510

BILL NUMBER: SB 175

NOTE PREPARED: Jan 27, 2010

BILL AMENDED: Jan 26, 2010

SUBJECT: Various Health Matters.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Vital Records Provisions:* This bill sets a maximum fee for searching or copying a record in the Division of Vital Records. It authorizes a physician last in attendance of a deceased to initiate the document process for the death record. It also maintains current system for reporting of stillbirths after changes in the reporting of births and deaths are implemented.

State Food Establishment Fees: The bill allows the Indiana State Department of Health (ISDH) to charge food establishments that are located on state property, inspected by the ISDH, and fail an inspection for subsequent inspections. It establishes the Food Establishment Data Base Fund.

Lead-based Paint Poisoning Prevention Program: The bill also requires the ISDH to establish a Lead-based Paint Poisoning Prevention Program concerning renovations performed for compensation in target housing and child-occupied facilities. It establishes the Lead-based Paint Poisoning Prevention Program Fund.

Distribution of HIV Information: The bill requires the ISDH to post HIV and communicable disease materials on the ISDH web site in a format that allows a clerk of a circuit court to print and distribute the materials to marriage license applicants (current law requires ISDH to distribute the materials).

Effective Date: Upon passage; July 1, 2010.

Explanation of State Expenditures: *Lead-based Paint Poisoning Prevention Program:* The bill requires the ISDH to adopt rules to establish a Lead-based Paint Poisoning Prevention Program concerning prerenovation education for contractors and workers performing renovation activities for pay in target housing and child-occupied facilities built before 1978. The program is established to ensure that renovators

are properly trained by accredited training programs and that the contractors are certified to specified standards. The promulgation of rules is a routine administrative function of the ISDH that should be accomplished within the current level of resources available to the agency. [Information regarding the cost of enforcement provisions required by the bill will be added when available from the ISDH.]

Lead-based Paint Poisoning Prevention Program Fund: The bill establishes the nonreverting Lead-based Paint Poisoning Prevention Fund to receive fees charged under the program and grant funds, and for the purpose of paying the administrative expenses of the program. The fund is to be administered by the ISDH. The bill does not provide for the expenditure of money in the fund.

Provisions concerning the process for the submission of death records or the reporting of stillbirths have no fiscal impact.

Food Establishment Data Base Fund: The bill establishes the nonreverting Food Establishment Data Base Fund for the implementation and administration of a food establishment data base. The fund is to be administered by the ISDH and consists of fee revenue collected by the state Retail Food Protection Division and any money appropriated to the fund. The bill does not provide for the expenditure of money in the fund.

Distribution of HIV Information: ISDH reports that the brochures supplied to and distributed by the clerks of the superior courts to marriage license applicants cost ISDH approximately \$4,000 to print and \$6,000 to distribute to the clerks. Funding is currently provided from a federal HIV prevention grant. According to the ISDH, the revision of this provision would allow the ISDH to redirect the federal grant funding being used to pay for the brochures for other purposes which target the populations at risk of HIV and other sexually transmitted infections.

Explanation of State Revenues: (Revised) *Food Establishment Inspection Fees:* The bill would allow the ISDH to establish a fee to be collected from a state-inspected retail food establishment located on state property for inspections that result from the food establishment's failure of an inspection. Any fee revenue collected would be deposited in the Food Establishment Data Base Fund. [See *Explanation of State Expenditures* for a description of the fund.] The amount of revenue collected and deposited in the Food Establishment Data Base Fund would depend on the amount of the fee and the number of state-inspected food establishments that would fail an inspection requiring a subsequent follow-up inspection for which a fee would be charged.

The ISDH is required to adopt rules to establish the amount of the fee and to set forth the occurrences that result in a food establishment's failure of an inspection. Promulgation of rules is considered to be a routine administrative function and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Vital Records Fees: The bill would authorize the ISDH to increase the fee structure for vital records searches and copies. The bill would allow the fee for a record search or amendment to be no more than \$15; the current maximum for the fee is \$8. The fee for additional certifications after the first record could increase to a maximum of \$8; the current fee is \$4. Fee revenue would continue to be distributed to the General Fund. Revenue from vital records fees was \$672,893 and \$566,186 for FY 2008 and FY 2009, respectively. The impact of the bill on the level of fees collected would depend on administrative actions taken by the ISDH however the maximums set in statute would cap the potential increase.

Background Information: *Food Establishment Inspection Fees:* The Retail Food Protection Division of the ISDH conducts inspections of food establishments located on state property, such as vendors located on the Toll Road, at the State Fairgrounds, or located in the Capitol complex. The Division also provides inspections of the food service operations of state and privately owned psychiatric hospitals that are certified by the Division of Mental Health and Addiction. Currently, the Division uses the tools of enforcement when necessary to bring food establishments with serious food safety problems into compliance with food regulations. The current enforcement process may include the levy of civil penalties. The state currently does not charge a fee for state-conducted inspections nor is there a state license requirement.

Explanation of Local Expenditures: *Distribution of HIV Information:* The bill would change the method of distribution of the information required to be supplied to applicants for marriage licenses by the clerks of the superior courts. The clerks would access the ISDH website to download the HIV information and print it for marriage license applicants. Each year approximately 45,000 couples marry in Indiana, the cost to the clerks would be dependent upon the number of licenses issued in a county and the number of pages that might be required to be printed.

Explanation of Local Revenues: Local health Departments would not be affected by the establishment of state food establishment inspection fees.

State Agencies Affected: ISDH.

Local Agencies Affected: Clerks of superior courts.

Information Sources: *Indiana Handbook of Taxes, Revenues, and Appropriations - 2009, Program Inventory for the Indiana State Department of Health, Legislative Services Agency.*

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